

REMARKS

Applicants submit this Preliminary Amendment for consideration in conjunction with a Request for Continued Examination (RCE). After entry of this paper, claims 1-20 will remain pending in the application.

To further prosecution, Applicants also respond to the Final Office Action mailed June 1, 2006 ("the Office Action"). In the Office Action, the Examiner: (i) rejected claims 1-3, 5, 7-9 and 14-20 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,088,801 to Grecsek ("Grecsek"); (ii) rejected claims 4, 6 and 10 under 35 U.S.C. § 103(a) as being unpatentable over Grecsek in view of U.S. Patent No. 6,064,739 to Davis ("Davis"); (iii) rejected claim 11 under 35 U.S.C. § 103(a) as being unpatentable over Grecsek in view of Davis and further in view of U.S. Patent No. 6,236,727 to Ciacelli ("Ciacelli"); and (iv) rejected claims 12 and 13 under 35 U.S.C. § 103(a) as being unpatentable over Grecsek in view of European Patent No. EP0915620 to Shimada ("Shimada").

Applicants respectfully disagree with the Examiner's rejections and comments in the Office Action, however, in order to expedite the examination of the application, Applicants have amended claims 1, 4, and 5. Applicants respectfully traverse these rejections in view of the amendments and the following arguments.

Rejection of Claims 1-3, 5, 7-9, and 14-20 under 35 U.S.C. § 102(e)

Claims 1-3, 5, 7-9, and 14-20 were rejected under 35 U.S.C. § 102(e) as being anticipated by Grecsek.

Claim 1 in the application is amended to recite a step of "identifying one or more software modules authorized to execute on the computer system and being responsible for processing the piece of electronic media content and enabling use of the piece of electronic media content by the user; evaluating one or more predefined characteristics of the one or more identified, authorized software modules to

determine..." Applicants respectfully submit that the amended claim 1 is not anticipated by Grecsek.

Grecsek discloses a method for managing the risk of executing a software process on a computer. Grecsek is concerned with protecting the user's system from attacks by a process that will execute on the system. In order to manage the risk of executing a software process, the system disclosed in Grecsek evaluates the capabilities of the process against a capability-based policy. See Grecsek, col. 3, line 24 to col. 4, line 20. The capability-based policy includes a list of capabilities that may be allowed to be possessed by a process that is to be executed on the system. *Id.* If the capabilities possessed by the process are all present in the capability-based policy, the process may be permitted to execute on the system. See Grecsek, col. 4, lines 7-19. In Grecsek, prior to the evaluation, the process should not be authorized to execute on the system.

Claim 1 in the present application recites a method for protecting electronic media content from unauthorized use by a user of a computer system. In determining whether the computer system is operable to use the piece of electronic content in an authorized manner, one or more software modules that are responsible for processing the piece of electronic media content are identified. The system in Grecsek is used to evaluate whether a process (that may be new to the computer system) may cause undesirable effects on the computer system or the resources of the computer system. The process is probably brought by a user to execute on the computer system. The system in Grecsek does not identify "one or more software modules." There is no teaching of "identifying one or more software modules" that are "responsible for processing the piece of electronic media content ..." Therefore, claim 1 is distinguishable over Grecsek.

Furthermore, in Grecsek, the evaluation determines whether the process is allowed to execute on the computer system. Before the evaluation, the process is not allowed to execute on the computer system. Grecsek teaches neither "identifying one or more software modules authorized to execute on the computer system," nor

“evaluating one or more predefined characteristics of the one or more identified, authorized software modules ...” as recited in claim 1. These features further distinguish claim 1 from Grecsek.

Independent claim 5 is also directed to a method for protecting electronic media content from unauthorized use. Claim 5 has been amended by this paper. Applicants respectfully submit that none of the passages of Grecsek indicated by the Examiner teaches or suggests:

“monitoring at least one system interface for electronic data to be transferred to an output device, the monitoring including:

- receiving a piece of electronic data to be transferred to the output device;
- generating a second identifier associated with the piece of electronic data;
- comparing the second identifier with the first identifier.”

Therefore, Applicants respectfully submit that claim 5 is not anticipated by Grecsek.

Claims 2-3, 7-9, and 14-20 are ultimately dependent from claims 1 or 5, respectively, and are thus allowable for at least the reasons set forth above in connection with claims 1 and 5. Applicants therefore respectfully request that the Examiner withdraw the rejection of claims 1-3, 5, 7-9, and 14-20 and allow these claims.

Rejection of Claims 4, 6, and 10 under 35 U.S.C. § 103(a)

Claims 4, 6, and 10 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Grecsek in view of Davis. These rejections are respectfully traversed in view of the following remarks.

Claim 4 is directed to a system for protecting electronic media content and enabling use of the electronic media content by a user. Applicants respectfully submit that Grecsek does not teach at least some of the limitations in the amended claim 4. For example, none of the passages of Grecsek indicated by the Examiner discloses “means for monitoring a predefined system interface for data to be transferred to an output device and containing the identifier.” Davis, which was cited for its alleged

teaching of "encrypting content to be protected before authorized access," fails to cure this deficiency. For at least the reasons set forth above, claim 4 should not be considered obvious over Grecsek in view of Davis.

Claims 6 and 10 are dependent on claim 5, and thus are allowable for at least the reasons set forth above in connection with claim 5. Applicants therefore respectfully request that the Examiner withdraw the rejection of claims 4, 6, and 10 and allow these claims.

Rejection of Claim 11 under 35 U.S.C. § 103(a)

Claim 11 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Grecsek in view of Davis and further in view of Ciacelli.

Claim 11 is ultimately dependent from claim 5. Ciacelli, which was cited for its alleged teaching of "scrambling at least a portion of the piece of electronic data," fails to cure the deficiency of Grecsek and Davis as discussed above in connection with claim 5. Applicants respectfully submit that claim 11 is allowable for at least the reasons set forth above in connection with claim 5. Thus, Applicants respectfully request that the Examiner withdraw the rejection of claim 11 and allow this claim.

Rejection of Claims 12 and 13 under 35 U.S.C. § 103(a)

Claims 12 and 13 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Grecsek and in view of Shimada.

Claims 12 and 13 are dependent from claim 5. Shimada, which was cited for its alleged teaching of "the predefined defensive action comprises adding noise/electronic watermark to at least a portion of the piece of electronic data," fails to cure the deficiency of Grecsek and Davis as discussed above in connection with claim 5. Applicants respectfully submit that claims 12 and 13 are allowable for at least the reasons set forth above in connection with claim 5. Thus, Applicants respectfully request that the Examiner withdraw the rejection of claims 12 and 13 and allow these claims.

CONCLUSION

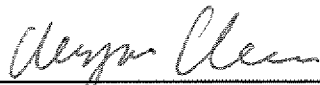
In view of the foregoing remarks, Applicants submit that the pending claims are in allowable form, and respectfully request reconsideration of the rejections and timely allowance of the claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our Deposit Account No. 06-0916.

Respectfully submitted,

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